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PUBLIC UTILITIES

MOT Carriers: Appeals: Heard By Public Service Commission

CODE SECTIONS:	O.C.G.A. §§ 46-7-29 (amended) and 46-7-71 (amended)
BILL NUMBER:	HB 655
ACT NUMBER:	656
SUMMARY:	The Act requires the full Commission to hear an appeal from a decision of one of its employees.

History

Under prior law, the Public Service Commission was authorized to delegate any of its authority over pending motor carrier cases to designated employees of the Commission.[1] Parties aggrieved by the decision of an employee had "the right of appeal to the commission."[2] Since the Code did not specifically require the *full* Commission to hear appeals, the Commission interpreted its authority to include power to delegate to designated employees its responsibility for initial hearings as well as for appeals.

The result of the Commission's delegation of power acted to convert a right of appeal into a right to a rehearing. If a party were aggrieved by the decision of the Commission designated employee and appealed the decision, then the Commission could delegate to one of its employees the task of hearing the appeal. Occasionally, the Commission delegated the appeal to the same employee who had heard the case originally and rendered the unfavorable decision.[3]

HB 655

The Act revises the appeal procedures under O.C.G.A. §§ 46-7-29 and 46-7-71. The Legislature's intent was to insure that a party aggrieved by the decision of a Commission employee would be entitled to appeal that decision to the full Commission.[4] The revision as passed, however, does not entirely accomplish its objective. Representatives of the Public Service Commission who expressed concern over the wording of the new pro-

1. O.C.G.A. §§ 46-7-29 and 46-7-71 (1982).
2. *Id.*
3. Interview with Paul Heard, Representative for the 43rd District in Atlanta (May 6, 1985). [Hereinafter cited as *Heard.*]
4. *Id.*

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visions assisted the Legislature in drafting the Act.[5]

Additional language which specified that aggrieved parties have a right of appeal to the *full* Commission was suggested by the Commission and was added to a House Committee Substitute and Floor Amendment.[6] However, the additional language was not incorporated into O.C.G.A. § 46-7-29.

5. *See Heard, supra* note 3. Interview with Tom Doyal, Public Service Commission in Atlanta (May 2, 1985).

6. HB 655 (CSFA), 1985 Ga. Gen. Assem. § 1.

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